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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,250

03/17/2004

Robert Arthur Giddings

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT

PAPER NUMBER

1764

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/801,250

Applicant(s)

GIDDINGS ET AL.

Examiner

Virginia Manoharan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 37-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicants' election of Group I, claims 1 to 36 in the reply filed on December 11, 2006 is acknowledged. Because applicants did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims, e.g., "comprises" in line 2. Correction is required. See MPEP § 608.01(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicants' cooperations are requested in correcting any errors of which applicants may become aware in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a). Claims 2, 9, 11, 20, 18, 27, 29 and 36, as recited, are in improper Markush languages. ---Wherein R is A, B or C---and --Wherein R is selected from a group consisting of --- would both constitute proper Markush languages.

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b). The inconsistent used of terminologies in the claims is improper. For example: "at least one inlet and at least one outlet in claim 1, line 2 as opposed to " said inlet" and said outlet" in the last line of claim 1. See also claims 10,19 and 28.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 19 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hallgren (5,509,471).

Hallgren is deemed to anticipate or renders obvious the claimed evaporation system comprising in combination of :“a) a housing having at least one inlet and at least one outlet; b) at least a first evaporator plate radially extending from a sidewall of said housing; c) at least a second evaporator plate radially extending from said sidewall of said housing, wherein said housing, said first evaporator plate and said second evaporator plate define a serpentine flow path within said housing; and d) a heating source in thermal communication with said first evaporator plate and said second evaporator plate, wherein said heating source provides heat to said first and second evaporator plates...” as broadly claimed in claim 1. See the abstract, Figs. 1-4 and the claims at cols. 6-8 of Hallgren. The claimed perforated evaporator plates and atomizer (corresponding to the prior art nozzles) recited in claims 19 and 28 are rendered obvious at col. 3, lines 9-19 of the Hallgren’s reference.

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallgren (5,509,471) in view of Fujiwara et al (6,094,940) and with or without Tkach et al (3,946,804).

Hallgren is discussed supra. See Figs 1-2 of Fujiwara disclosing the claimed supply cylinders as claimed e.g., in claims 4,13; the burner claimed e.g., in claims 6, 15, 24 and 31; the carrier gas inlet for delivery of a carrier gas into the system claimed in claims 8, 17, 26 and 35 . See also the abstract; and the horizontal perforated plates at col. 5, lines 12-13, as well as the zigzag pattern disclosed at col. 6, lines 54-55 of the Tkach ‘ s reference. To combine the system of Fujiwara and Tkach to the apparatus of Hallgren would have been obvious to one of ordinary skill in the art inasmuch as all the

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references are directed to similar processing environment , i.e., to concentrating by evaporation utilizing evaporator plates.

Claims 7, 16 25 and 34 do not define any devices and accordingly can not be distinguished from the prior art in the structural sense.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a). Pogson discloses a horizontal longitudinally extending header.
- b). Kontu et al and Rosenblad both disclose the vertical arrangement of evaporator plates.
- c). Uchida et al discloses an evaporator with zigzag flow of fluid being treated.
- d). Mckown discloses an evaporator provided with a carrier gas inlet.
- e). Schwab et al discloses an evaporator unit with circular plates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 132 / 1764
3/2/07